REMARKS

Applicant would initially like to thank the Examiner for the indication of allowable subject matter in claims 8 and 11.

The Examiner has rejected claims 1-7, 9 and 10 under 35 U.S.C. § 103 as obvious over Huston in view of Whyntie. Claims 8 and 11 have been objected to as dependent upon a rejected base claim, but would be allowable if rewritten into independent form.

Claims 1-23 are now in the application. Claims 4, 8, and 11 have been amended. Claims 12-23 have been added. Withdrawal of the rejection of claims 1-7, 9 and 10, and allowance of all claims are respectfully requested.

The Examiner has rejected claim 1 under 35 U.S.C. § 103 as obvious over Huston in view of Whyntie. The Examiner's rejection is respectfully traversed.

As pointed out by the Examiner, Huston reference does not teach issuing a warning if a GPS coordinate position of the marker differs from the initial GPS position by more than a predetermined amount. This is not surprising given that the Huston reference is directed to calibrating GPS devices aboard golf carts, as such a warning unnecessary in a golfing environment. Indeed, distraction of any kind in abhorrent to the game of golf, such that can be fairly said that Huston teaches away from issuing a warning, particularly an unnecessary one.

This lack of teaching and suggestion in Huston is not provided by Whyntie. Whyntie issues a warning when a buoy drifts too far away from a monitoring station. This has nothing to do with error correction or calibration as discloses in Huston. Issuing a warning signal when a floating buoy drifts away does not suggest issuing a warning in GPS error correction aboard a golf cart.

Accordingly, claim 1 is patentably distinct over the cited art. Withdrawal of the rejection of claim 1 and allowance of the same is respectfully requested.

Claims 2, 3 and 7, which depend from claim 1, also stand rejected under 35 U.S.C. § 103 as obvious over Huston in view of Whyntie. In view of at least the arguments advanced in favor of claim 1, these dependent claims are likewise patentably distinct over the cited art. Withdrawal of the rejection and allowance of claims 2, 3 and 7 is therefore requested.

Claim 4, which depend from claim 1, also stand rejected under 35 U.S.C. § 103 as obvious over Huston in view of Whyntie. Claim 4 has now been converted into independent form, such that claim 4 is patentably distinct over the cited art for at least the reasons discussed with respect to claim 4. However, claim 4 also recites calculating a plurality of GPS positions for the marker over a period of time, statistically analyzing the plurality of GPS positions, and setting said initial GPS position based on a result of said analyzing. The Examiner has taken the position that such practices are "well known practices in the art," and rejected claim 4 without citation to any supporting art. Applicant traverses the rejection.

The issue is not whether these practices are common to the art of GPS (for which Applicants request that the Examiner provide supporting evidence), but rather whether suggestion exists to modify the Huston reference with such teachings. This type of statistical analysis is a time consuming process (the application disclosing the non-limiting example of eight hours). The Examiner has not identified any particular basis or motivation to engage in such a time consuming process to mark locations on a golf course using a golf cart. Indeed, the implication that one of ordinary skill would do so is counter-intuitive.

Accordingly, claim 4 is patentably distinct over the cited art. Withdrawal of the rejection of claim 4 and allowance of the same is therefore requested.

Claims 5 and 6, which depend from claim 4, also stand rejected under 35 U.S.C. § 103 as obvious over Huston in view of Whyntie. In view of at least the arguments advanced in favor of claim 4, these dependent claims are likewise patentably distinct over the cited art. Withdrawal of the rejection and allowance of claims 5 and 6 is therefore requested.

Claim 8 has been objected to as dependent upon a rejected base claim, but would be allowable if converted into independent form. Claim has accordingly been amended into independent form by incorporating the limitations of claim 1. Withdrawal of the rejection of claim 8 and allowance of the same is therefore respectfully requested.

The Examiner has rejected claim 9, and claim 10 that depends therefrom, under 35 U.S.C. § 103 as obvious over Huston in view of Whyntie. The Examiner's rejection is respectfully traversed. Similar to claim 1, claim 9 recites issuing a warning, which is neither taught nor suggested by the applied art. For at least the reasons discussed with respect to claim 1, claim 9 is likewise patentably distinct over the cited art. Withdrawal of the rejection of claims 9 and 10 and allowance thereof is therefore requested.

Claims 12-23 have been added to further define that which Applicant regards as his invention. No new matter has been added. New independent claims 12 and 19 are similar to claims 1 and 9, respectively, and are patentably distinct over the applied art for at least the reasons expressed with respect to claim 1. In addition, new claim 12 recites that the marker is in the same location for said determining and said calculating, while claim 19 recites that the

marker is a "stationary" marker.[1] In the applied Huston reference, the field of use is "where the remote GPs receivers move slowly within a confined area" for which golf carts are the preferred example. Huston, column 7, lines 24-29. In the applied Whyntie reference, not only is the buoy drifting in a constant state of motion, the entire point of the reference is to warn when the buoy moves too far out of position. Thus neither reference teaches, suggests, or is even concerned with an initial GPS position of a "stationary" marker or a marker that is in the same location during determining and calculating. For this reason, in addition to those reasons discussed with respect to claim 1, new claims 12 and 19, and claims dependent therefrom, are patentably distinct over the applied art.

In view of the foregoing, the application is now believed to be in proper form for allowance, and a notice to that effect is earnestly solicited.

Please note that any amendments to the claims which have been made in this amendment, that have not been specifically noted to overcome a rejection based upon the prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If the Examiner believes that a telephone conference would be of value, she is requested to call the undersigned attorney at the number listed below.

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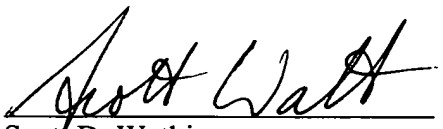
[1] In the context of claim 19, "stationary" means that the marker does not move during normal use. Such definition does not require (nor exclude) any permanent positioning, nor exclude (nor require) that the item be portable. For example, a desk is "stationary" in that is it not moving during normal use. But this does not require (nor exclude) that the desk be permanently attached to the floor. Nor does it exclude (nor require) that the desk when not in use could be picked up and moved to another location.

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 12492.0027).

Respectfully submitted,



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